



**THE ATTORNEY GENERAL
OF TEXAS**

May 2, 1988

**JIM MATTOX
ATTORNEY GENERAL**

Mr. Marvin J. Titzman
Executive Director
Texas Surplus Property Agency
Administrative Office
P. O. Box 8120
San Antonio, Texas 78208-0120

LO-88-48

Dear Mr. Titzman:

You ask whether section 252.021 of the Local Government Code, which sets out competitive bidding requirements for cities, applies to the payment of service and handling charges assessed by the Texas Surplus Property Agency.

In Attorney General Opinion JM-726 (1987) we considered whether county competitive bidding requirements apply to the payment of service charges assessed by the Texas Surplus Property Agency. We concluded that such transactions were not subject to competitive bidding requirements because a county contract for an item that can be obtained only from one source is exempted from the competitive bidding requirements applicable to counties. The services of the Texas Surplus Property Agency are, by their very nature, available from only one source.

City competitive bidding requirements, like county competitive bidding requirements, are inapplicable to "a procurement of items that are available from only one source." Local Gov't Code §252.022(a)(7). Therefore, for the same reason that county competitive bidding requirements are not applicable to the payment of service and handling charges assessed by the Texas Surplus Property Agency, city competitive bidding requirements are not applicable to service and handling charges assessed by the Texas Surplus Property Agency.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc
Ref: RQ-1423
3380